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Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 10.05: Taking of quahogs in the sub-tidal waters of New Meadows Lakes, Brunswick and West Bath.

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

This proposed rule would establish weekend closed periods and a seasonal closed period for the taking of quahogs in the New Meadows Lakes. Harvesters would be prohibited from fishing or taking quahogs in the New Meadows Lakes during weekends, and winter months from sunset on December 31 through sunrise on April 1. The winter closed period sunsets April 1, 2019. Recent surveys of the New Meadows Lakes conducted by the Maine Department of Marine Resources indicate a decline in the quahog population. These particular effort control measures were proposed at meetings with industry members held in the spring of 2017, and are intended to reduce fishing pressure on the quahog resource, and to minimize the mortality associated with winter fishing.

Date, time and location of PUBLIC HEARING (*if any*): October 4, 2017, 6 PM, Bath Parks and Recreation Center, Bath ME

COMMENT DEADLINE: October 16, 2017

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

AGENCY CONTACT PERSON: Amanda Ellis (tel: 207-624-6573)
Mail Written Comments to: Department of Marine Resources, attn Rulemaking
ADDRESS: 21 State House Station, Augusta, ME 04333-0021
WEB SITE: <http://www.maine.gov/dmr/laws-regulations/proposed-rulemaking.html>
E-MAIL: dmr.rulemaking@maine.gov
FAX: (207) 624-6024
TTY: (207) 624-6500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): SAME

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): NONE

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S. §6171-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): SAME

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: DMR.rulemaking@maine.gov

* Check one of the following two boxes.

☐ The summary provided above is for publication in both the newspaper and website notices.

☒ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

DEPARTMENT OF MARINE RESOURCES

Chapter 10 Clams and Quahogs

10.05 Taking of quahogs in the sub-tidal waters of New Meadows Lakes, Brunswick and West Bath

- A. ~~New Meadows Lakes: The area bounded by the Old Bath Road and the Brunswick Road of the New Meadows River north of Bath/State Rd in Brunswick and West Bath.~~

- B. Methods of harvest prohibited

It shall be unlawful to fish for or take quahogs by towing any dredge, drag or other implement by watercraft; by diver/diving (SCUBA or snorkel*); or by pump, suction or any type of mechanical suction device. Hand digging with a so-called clam hoe or bull rake, hand-raking, hand tonging, or picking quahogs out of the mud by hand are allowed. Harvest by cutting through or breaking the ice is prohibited; harvest may take place only through open water.

*Any artificial breathing device that allows a person to breathe underwater.

This subsection does not apply to the holder of a lease issued under 12 M.R.S. §§6072, 6072-A or 6072-B when fishing for or taking quahogs cultivated on the leased area within the waters of the New Meadows Lakes, nor does it apply to the holder of a Municipal shellfish aquaculture permit issued under §6673.

- C. Night prohibition

It shall be unlawful to fish for or take quahogs during the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#).

D. Closed periods

It is unlawful to fish for or take quahogs from the New Meadows Lakes:

- (1) Winter. During the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), on December 31st until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#), on April 1st.
- (2) Weekends: During the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), on Friday until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#), on Monday.

10.05 D(1), the winter closed period, sunsets April 1, 2019.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573;
web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 10.05: Taking of quahogs in the sub-tidal waters of New Meadows Lakes, Brunswick and West Bath.

STATUTORY AUTHORITY: 12 M.R.S. § 6171

DATE AND PLACE OF PUBLIC HEARING(S): October 4, 2017, 6 PM, Bath Parks and Recreation Center, Bath ME

COMMENT DEADLINE: October 16, 2017

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

This rule would establish closed periods for the taking of quahogs in the New Meadows Lakes to protect the resource from depletion. The proposed closed periods were developed in consultation with industry.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES___X___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

The proposed regulations would apply to persons engaged in the harvesting of quahogs from the New Meadows Lakes.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

This proposed rule would establish weekend closed periods and a seasonal closed period for the taking of quahogs in the New Meadows Lakes. Harvesters would be prohibited from fishing or taking quahogs in the New Meadows Lakes during weekends, and winter months from sunset on December 31 through sunrise on April 1. Recent surveys of the New Meadows Lakes conducted by the Maine Department of Marine Resources indicate a decline in the quahog population. These particular effort controls were proposed at meetings with industry members held in the spring of 2017, and are intended to reduce fishing pressure on the quahog resource, and to minimize the mortality associated with winter fishing.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used